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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/881,991	06/15/2001	Patrick Christian Michael Boucousis	3133.00003	7804

7590 07/27/2005

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EXAMINER

JASMIN, LYNDIA C

ART UNIT	PAPER NUMBER
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3627

DATE MAILED: 07/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/881,991

Applicant(s)

BOUCOUSIS, PATRICK
CHRISTIAN MICHAEL

Examiner

Lynda Jasmin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5/4/05
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Amendment received May 04, 2005 has been acknowledged.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3 and 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Graham (6,631,372), in view of De Souza et al. (2002/0099611).

Graham discloses the claimed method and business application for facilitating the exchange of information between vendors and seekers (between client and merchant server) with the steps of: entering vendors' item records as listings in an electronically searchable data structure (via a search engine; col. 3, lines 55-67), searching the data structure on the basis of seeker queries generated by seekers (col. 3, lines 44-56).

Graham further discloses ensuring that the vendor's item records are for items appearing in an electronically searchable item catalog (inherently recited via site and page contents that the search engine depends on), ensuring that seeker queries are in respect of items appearing in the item catalog (via hit list that represent a specific page or a specific site).

Graham however fails to explicitly disclose making available the identity of the seeker for viewing by the vendors corresponding to matched listings before making available the identity of the vendors for viewing by the seeker.

De Souza et al. discloses the concept of creating a custom enterprise site having a subset of buyers and/or sellers from a set of buyers/sellers participating on the extranet-based e-commerce platform. De Souza further discloses the concept of having authorized individual from a first EBEP vendor sending contact to an EBEP buyer (step 1645). When the authorized individual from the EBEP buyer enterprise selects view contracts and orders from a menu in the purchasing transaction area in the EBEP buyer's enterprise site (step 1655), the contract created above appears on a listing of contracts and orders. The authorized individual from the EBEP buyer can select the contract created above from the listing (step 1660).

From this teaching of De Souza, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the search engine to locate goods and services of Graham to include the EBEP vendor selecting authorized individual from the EBEP buyer for a sales proposal before the EBEP buyer selects a sales proposal from a first EBEP vendor from the list of sales proposals in order to provide sensible information that can only be accessible to particular Client's business partners.

4. Claims 4-7 and 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Graham in view of De Souza as applied to claims 1 and 8 above, and further in view of Gardner et al. (5,758,327).

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The Graham and De Souza combination discloses the element of the claimed invention, however, fails to explicitly disclose granted seeker's access to the vendor's records and making available seeker and vendor's contact details.

Gardner et al. discloses the concept of processing electronic requisition with the step of providing for each vendor to nominate seekers who are not to be granted access to the vendor's records (via private catalog function and to control access to and downloading of supplier-maintained catalog data). Gardner further discloses making available companies and vendor's contact details (via an authorization process). Gardener further discloses the concept of having catalog requisitions (in which specific vendors are assigned to particular companies), and non-catalog requisitions (which require involvement by a buyer who locates a vendor of items).

From this teaching of Gardner, it would have been obvious to one ordinary skill in the art at the time the invention was made to modify the exchange of information of Graham and De Souza to include the electronic requisition processing with company-specific rules as taught by Gardner in order to facilitate electronic commerce for a number of companies.

As per aiding the vendors to enter assemblies of item, the Examiner takes Official Notice that is old and well known in the art. Therefore, it would have been obvious to one ordinary skill in the art at the time the invention was made to modify the Graham and De Souza in view of Gardner combination to include software module to generate listing of parts and sub-parts of an assembly since such is well known for catalog database to contain catalog or catalogs published by a vendor Distributor,

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having Distributor's catalog numbers for all listed products and vendor manufacturer's part numbers for many of the listed products.

Response to Arguments

5. Applicant's arguments with respect to claims 1-14 have been considered but are moot in view of the new ground(s) of rejection.

6. In response to applicant's argument that there is no suggestion to combine the references (Graham and Gardner), the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the Examiner notes that Gardner discloses an electronic requisition processing with company-specific rules having authorization procedures.

Further, since Applicant did not seasonably traverse the well-known (Official Notice) statement(s) as stated in the previous Office Action, therefore, the object of the well-known (Official Notice) statement(s) are taken to be admitted prior art. See MPEP §2144.03.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Berke discloses a search engine system that a list of authorized vendors for products or services.

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lynda Jasmin whose telephone number is (571) 272-6782. The examiner can normally be reached on Monday- Friday (9:30-6:00) with Thursday Telework.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571) 272-6771. The fax phone

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number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Lynda Jasmin
Primary Examiner
Art Unit 3627

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